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7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2009-269

11 **HOPE H. STURGES**  
P.O. BOX 152  
12 Tomales Bay, CA 94971

**A C C U S A T I O N**

13 Registered Nurse License No. 619809

14 Respondent.

15  
16 Complainant alleges:

17 PARTIES

18 1. Ruth Ann Terry, M.P.H., R.N. (Complainant), brings this Accusation  
19 solely in her official capacity as the Executive Officer of the Board of Registered Nursing  
20 (Board), Department of Consumer Affairs.

21 2. On or about June 18, 2003, the Board issued Registered Nurse License  
22 Number 619809 to Hope H. Sturges (Respondent). The license was in full force and effect at all  
23 times relevant to the charges brought herein and will expire on October 31, 2010, unless  
24 renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board under the authority of the  
27 following laws. All section references are to the Business and Professions Code (Code) unless  
28 otherwise indicated.

4. Code section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

## STATUTORY PROVISIONS

6. Code section 2761 states, in pertinent part:

“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

“(a) Unprofessional conduct . . .

"[...] "

“(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.”

7. Code section 2762 states, in pertinent part:

“In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

“[ . . . ]”

“(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

1           “(c) Be convicted of a criminal offense involving the prescription, consumption,  
2 or self-administration of any of the substances described in subdivisions (a) and (b) of this  
3 section, or the possession of, or falsification of a record pertaining to, the substances described in  
4 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence  
5 thereof.”

6           8.       Code section 490 states:

7           “A board may suspend or revoke a license on the ground that the licensee has  
8 been convicted of a crime, if the crime is substantially related to the qualifications, functions, or  
9 duties of the business or profession for which the license was issued. A conviction within the  
10 meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo  
11 contendere. Any action which a board is permitted to take following the establishment of a  
12 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has  
13 been affirmed on appeal, or when an order granting probation is made suspending the imposition  
14 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the  
15 Penal Code.”

16           9.       California Code of Regulations, Title 16, section 1444 provides, in  
17 pertinent part, that a conviction or act shall be considered to be substantially related to the  
18 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the  
19 present or potential unfitness of a registered nurse to practice in a manner consistent with the  
20 public health, safety, or welfare.

21                               COST RECOVERY

22           10.       Code section 125.3 provides, in pertinent part, that the Board may request  
23 the administrative law judge to direct a licensee found to have committed a violation or  
24 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
25 and enforcement of the case.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct: Conviction of Substantially Related Crime)

3 11. Respondent is subject to disciplinary action under Code sections 490 and  
4 2761, subdivisions (a) and (f), in that she was convicted of crime substantially related to the  
5 qualifications, functions, and duties of a registered nurse, as follows:

6 12. On or about March 25, 2008, in Sonoma County Superior Court Case No.  
7 SCR-532326, Respondent was convicted of having violated California Vehicle Code section  
8 23103.5 (reckless driving involving alcohol). Imposition of sentence was suspended;  
9 Respondent was granted a 24-month conditional sentence and ordered to enroll within 21 days  
10 and complete a first offender drinking driver program.

11 SECOND CAUSE FOR DISCIPLINE

12 (Unprofessional Conduct: Dangerous or Injurious Use of Alcohol)

13 13. Respondent is subject to disciplinary action under Code sections 2762,  
14 subdivision (b), in that she used an alcoholic beverage in a manner dangerous or injurious to  
15 herself or others, or to the extent that such use impaired her ability to safely practice nursing, as  
16 described in paragraph 12, above.

17 THIRD CAUSE FOR DISCIPLINE

18 (Unprofessional Conduct: Conviction of an Offense Involving Consumption of Alcohol)

19 14. Respondent is subject to disciplinary action under Code section 2762,  
20 subdivision (c), in that she was convicted of an offense involving the consumption of alcohol, as  
21 described in paragraph 12, above.

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2 PRAYER


3 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
4 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

5 1. Revoking or suspending Registered Nurse License Number 619809, issued  
6 to Hope H. Sturges;

7 2. Ordering Hope H. Sturges to pay the Board of Registered Nursing the  
8 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
9 Professions Code section 125.3;

10 3. Taking such other and further action as deemed necessary and proper.

11 DATED: 4/22/09

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13   
14 RUTH ANN TERRY, M.P.H., R.N.  
15 Executive Officer  
16 Board of Registered Nursing  
17 Department of Consumer Affairs  
18 State of California  
19 Complainant

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